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Attorneys for Defendant  
Werner Enterprises, Inc.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

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THOMAS ST. VINCENT, }  
Plaintiff, }  
vs. }  
WERNER ENTERPRISES, INC.; }  
JANVIER SMYTH; and JEAN }  
GETRO ROSIER, }  
Defendants. }  
\_\_\_\_\_  
)

No. CV-08-73-M-DWM-JCL

**STIPULATION FOR  
DISMISSAL OF  
PLAINTIFF'S PROPERTY  
DAMAGE CLAIMS WITH  
PREJUDICE**

Plaintiff Thomas St. Vincent and Defendant Werner Enterprises, Inc. ("Werner"), by and through their respective counsel of record, hereby stipulate and agree that all of Plaintiff's claims for property damage as alleged in the Plaintiff's Complaint (Dkt. #7) be dismissed with prejudice as fully settled on the merits, each party to bear its own costs and attorneys' fees with regard to Plaintiff's claim for property damages. All of Plaintiff's other claims against

Werner are hereby specifically reserved.

A proposed order is lodged with this stipulation.

RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of October, 2009.

/s/ Milton Datsopoulos

Milton Datsopoulos

Datsopoulos MacDonald & Lind, PC

Attorneys for Plaintiff

/s/ Kristine J. Beal

Kristine J. Beal

Beal Law Firm, PLLC

Attorneys for Defendant

Werner Enterprises, Inc.